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Patent



13151-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :
:
Applicants : LINCOLN, Stephen E. and :
: KNAPP, Michael R. : Examiner: FREDMAN, Jeffrey N.
:
Serial No. : 09/618,178 :
:
Filed : 18 July 2000 : Art Unit: 1634
:
Title : Automatic Genotype Determination :

Kalow & Springut LLP
488 Madison Avenue, 19th Floor
New York, New York 10022

24 January 2005

Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

**REPLY TO A FINAL OFFICE ACTION
PURSUANT TO 37 CFR 1.114(a)(c)**

SIR or MADAM:

The present reply to an Office Action in connection with the application identified above is being filed simultaneously with a request for continued examination (RCE) of the application.

An Office Action dated 18 December 2003 was issued in connection with the subject application in which claims 51 through 54 inclusive and 56 through 105 inclusive of the

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Certificate of Mailing Under 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited on the date shown below with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

(Signature)

J. David Ellett, Jr.
(Printed Name of Person Signing Certificate)

24 January 2005
(Date)

Applicants: Stephen E. Lincoln and
Michael R. Knapp

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application were finally rejected. (Although an entry at box 2b of the Office Action Summary sheet of the Office Action of 18 December 2003 indicated that the Office Action was non-final, paragraph 13 on page 15 of the Office Action stated expressly that the Office Action was being made final.) The final rejection was appealed in a notice of appeal timely submitted to the United States Patent and Trademark Office on 18 June 2004 with a certificate of first-class mailing. Consequently, prosecution in the subject application is closed, as required under 37 CFR 1.114(b) for filing a request for continued examination. The appeal was dated 23 June 2004. A request to extend the time to file an appeal brief in the appeal with respect to the subject application through 23 January 2005, a Sunday, is being submitted with the present reply to an Office Action and request for continued examination. The request for continued examination submitted herewith and the present reply to an Office Action constituting a submission accompanying the request for continued examination as required under 37 CFR 1.114(a)(c) are being timely submitted with a certificate of first-class mailing on the next business day following the Sunday deadline and therefore before abandonment of the subject application as required under 37 CFR 1.114(a).